



California Regional Water Quality Control Board

Los Angeles Region



Linda S. Adams
Agency Secretary

320 W. 4th Street, Suite 200, Los Angeles, California 90013
Phone (213) 576-6600 FAX (213) 576-6640 - Internet Address: <http://www.waterboards.ca.gov/losangeles>

Arnold Schwarzenegger
Governor

December 17, 2010

Mr. Darren Hernandez
City of Santa Clarita
23920 Valencia Boulevard, Suite 300
Santa Clarita, California 91355

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
CLAIM NO. 7008 1830 0004 3360 6160

COMPLAINT NO. R4-2008-0046-M FOR MANDATORY MINIMUM PENALTY AGAINST CITY OF SANTA CLARITA, DRAINAGE BENEFIT ASSESSMENT AREAS 6 AND 18, 18657 NATHAN HILL ROAD, SANTA CLARITA (ORDER NOS. R4-2003-0099 AND R4-2003-0100, NPDES PERMIT NO. CA0061638, CI NO. 6945)

Dear Mr. Hernandez:

Enclosed is Complaint No. R4-2008-0046-M for Mandatory Minimum Penalty in the amount of \$816,000 against the City of Santa Clarita (hereinafter Permittee) for violating waste discharge requirements contained in Regional Board Order Nos. R4-2003-0099, R4-2007-0016, and TSO No. R4-2003-0100. Also enclosed is a copy of the California Regional Water Quality Control Board, Los Angeles Region (Regional Board) Notice of Public Hearing to Consider an Administrative Civil Liability Complaint.

Unless waived, a hearing before the Regional Board or a Regional Board Hearing Panel (Hearing Panel) will be held on this Complaint pursuant to California Water Code §§ 13228.14 and 13323. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the waiver form attached to Complaint No. R4-2008-0046-M and return it to the Regional Board by 5:00 pm on **January 18, 2011**. If we do not receive the waiver and full payment of the mandatory minimum penalty by **January 18, 2011**, this matter will be heard before the Regional Board or Hearing Panel. An agenda containing the date, time, location, and specific procedures of the hearing will be mailed to you prior to the hearing date.

If you have any questions regarding this matter, please contact Mr. Russ Colby at (213) 620-6373.

Sincerely,

Samuel Unger

Samuel Unger, P.E.
Executive Officer

Enclosures: Complaint No. R4-2008-0046-M
Exhibit "A"
Notice of Public Hearing

cc (email only): Mayumi Okamoto, Office of Enforcement, State Water Resources Control Board
Jennifer Fordyce, Office of Chief Counsel, State Water Resources Control Board
Jeff Ogata, Office of Chief Counsel, State Water Resources Control Board

California Environmental Protection Agency



Recycled Paper

Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

**STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

In the matter of:)	Complaint No. R4-2008-0046-M
)	Mandatory Minimum Penalty for
)	Violation of California Water Code § 13376
City of Santa Clarita)	and
Drainage Benefit Assessment Areas 6 & 18)	Order Nos. R4-2003-0099, R4-2007-0016, and
		TSO No. R4-2003-0100
Santa Clarita, California)	(NPDES No. CA0061638)

This Complaint to assess the mandatory minimum penalty pursuant to California Water Code (CWC) § 13385, subdivisions (h) & (i), is issued to the City of Santa Clarita (hereinafter Permittee) based on a finding of violations of waste discharge requirements prescribed in Order Nos. R4-2003-0099, R4-2007-0016, and Time Schedule Order No. R4-2003-0100 (NPDES No. CA0061638, CI No. 6945).

The Executive Officer of the Regional Water Quality Control Board, Los Angeles Region (Regional Board) finds the following:

1. The Permittee operates and maintains a number of subsurface drainage facilities located within special districts known as Drainage Benefit Assessment Areas (DBAA). Each parcel included in these DBAAs was originally part of a residential development that was conditioned to install drainage improvements before the development could proceed. The installation and continued maintenance of drainage improvements by the developers and subdividers of land was guaranteed through the establishment of the DBAAs. The drainage improvements of the DBAAs were established to provide for surface and/or subsurface water removal to promote and maintain desirable soil conditions, soil stability and slope stability of the lots within the DBAA. The drainage improvements and continued maintenance confer a particular and distinct special benefit to the property located within the DBAA. Each DBAA was created in order to apportion the annual costs of maintenance of drainage improvements and to administer this special benefit conferred on each property within the DBAA.
2. The subsurface drainage facilities of DBAAs 6 and 18 consist of dewatering systems to maintain slope stability in the area surrounding the Shangri-La housing community in the City of Santa Clarita. The systems consist of two pump stations and several observation wells within the two DBAAs. The effluent from the dewatering operations is discharged via two outfalls; Discharge Serial Nos. 001 and 002. Discharge Serial No. 001 from Pump Station No. 1 discharges up to 3,000 gallons per day (gpd) of groundwater collected from DBAA No. 6. Discharge Serial No. 002 from Pump Station No. 2 discharges up to 67,000 gpd of groundwater collected from DBAA No. 18. The effluent is susceptible of containing chloride, mercury (Hg), nitrite plus nitrate as nitrogen ($\text{NO}_2 + \text{NO}_3$), sulfate, total dissolved solids (TDS), and other pollutants which can degrade water quality and impact beneficial uses of water, and which are defined as wastes under the Porter-Cologne Water Quality

December 17, 2010

Control Act (CWC § 13000 et seq.). Prior to connection to the local sanitary sewer on June 30, 2010, the effluent from both outfalls flowed to the Santa Clara River, a navigable water of the United States.

3. On November 4, 1996, the Regional Board adopted Order No. 96-079 titled *Waste Discharge Requirements for City of Santa Clarita (Drainage Benefit Assessment Areas No. 6 and 18, Canyon Country)*. Order No. 96-079 expired on July 9, 2003. On July 10, 2003, the Regional Board adopted Order No. R4-2003-0099. Order No. R4-2003-0099 serves as the Permittee's National Pollutant Discharge Elimination System (NPDES) Permit number CA0061638. Order No. R4-2003-0099 prescribes waste discharge requirements to the Permittee for the discharge of effluent from groundwater dewatering systems. Order No. R4-2003-0099 expired on June 10, 2008; however, the Permit has been administratively extended.
4. Order No. R4-2003-0099, effective July 10, 2003, includes the following effluent limitations for chloride, mercury (Hg), NO₂ + NO₃, sulfate, TDS, and pH (Part I.B. page 10):

The discharge of an effluent in excess of the following limitations is prohibited:
"A pH value less than 6.5 or greater than 8.5."

Constituent	Discharge Limitations			
	Daily Maximum		Monthly Average	
	Concentration	Mass (lbs/day)*	Concentration	Mass (lbs/day)*
Chloride	100 mg/L	53	--	--
NO ₂ + NO ₃	5 mg/L	2.6	--	--
Sulfate	150 mg/L	79	--	--
TDS	800 mg/L	420	--	--
Hg	0.14 µg/L	0.00007	0.05 µg/L	0.00003

mg/L = milligrams/liter, µg/L = micrograms/liter, lbs/day = pounds/day

*mass based effluent limitations are based on a maximum flow of 63,000 gpd for the daily maximum and monthly average.

5. The effluent limitations in Order No. R4-2003-0099 for TDS and chloride are more stringent than the effluent limitations in the previous permit Order No. 96-079. The Permittee submitted a study to the Regional Board on January 17, 2003 evaluating several options for dealing with total dissolved solids (TDS) and chloride. The study recommended that the Regional Board provide adjusted or interim limits for TDS and chloride to allow time for implementation of a corrective alternative. Additionally, the Permittee requested that an interim effluent limitation for nitrite plus nitrate as nitrogen (NO₂ + NO₃) be established at Discharge Serial No. 002 and an interim effluent limitation for sulfate be established at Discharge Serial Nos. 001 and 002.
6. In response to the Permittee's study, on July 10, 2003, the Regional Board also adopted Time Schedule Order (TSO) No. R4-2003-0100. TSO No. R4-2003-0100 prescribed interim effluent limitations for chloride, TDS, nitrite plus NO₂ + NO₃, and sulfate discharges that were less stringent than the limits set forth in Order No. R4-2003-0099. The TSO also required the Permittee to submit annual reports of work plan commitments to meet the final effluent limits and/or diversion of the discharge to the Santa Clara River. Although the Permittee submitted plans, it did not implement actions to meet the final effluent limits during the duration of the TSO. TSO No. R4-2003-0100 expired on June 10, 2008.

7. TSO No. R4-2003-0100, effective July 10, 2003 through June 10, 2008 included the following interim effluent limitations for chloride, $\text{NO}_2 + \text{NO}_3$, sulfate, and TDS (page 4):

Constituent	Discharge Limitations	
	Daily Maximum	
	Concentration (mg/L)	Mass (lbs/day)*
Chloride	250	131
$\text{NO}_2 + \text{NO}_3$	12**	6.0**
Sulfate	190	100
TDS	1,500	788

mg/L = milligrams/liter, lbs/day = pounds/day

*mass based effluent limitations are based on a maximum flow of 63,000 gpd for the daily maximum and monthly average.

** Applicable to Discharge Serial No. 002 only; effluent limitations in Order No. R4-2003-0099 remain applicable for Discharge Serial No. 001.

8. On March 7, 2007, the Regional Board adopted Order No. R4-2007-0016 amending Order No. R4-2003-0099 to increase the discharge flow rate from 60,000 gpd at Discharge Serial No. 002 to 67,000 gpd. This increase in the discharge flow rate from Discharge Serial No. 002 also changed the mass-based effluent limitations which are calculated based on maximum daily flow.
9. Order No. R4-2007-0016, effective March 7, 2007, includes the following effluent limitations for chloride, nitrite plus nitrate as nitrogen ($\text{NO}_2 + \text{NO}_3$), sulfate, total dissolved solids (TDS), and pH (Part I.B. page 10):

The discharge of an effluent in excess of the following limitations is prohibited:
"A pH value less than 6.5 or greater than 8.5."

Constituent	Discharge Limitations	
	Daily Maximum	
	Concentration (mg/L)	Mass (lbs/day)*
Chloride	100	56
$\text{NO}_2 + \text{NO}_3$	5	2.8
Sulfate	150	84
TDS	800	447

mg/L = milligrams/liter, lbs/day = pounds/day

*mass based effluent limitations are based on a maximum flow of 67,000 gpd for the daily maximum and monthly average.

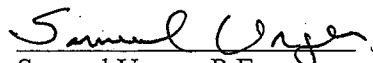
10. Two-hundred and seventy-three (273) violations of Order Nos. R4-2003-0099 and R4-2007-0100 and TSO No. R4-2003-0100 were noted in the Permittee's self-monitoring reports. Two-hundred and seventy-two (272) of these violations are subject to mandatory minimum penalties pursuant to CWC § 13385. These violations include effluent limit exceedances for chloride, Hg, $\text{NO}_2 + \text{NO}_3$, sulfate, TDS, and pH. The violations are identified in Exhibit "A" attached hereto and incorporated herein by reference.
11. On September 15, 2008, the Regional Board Chief Deputy Executive Officer issued the Permittee Settlement Offer No. R4-2008-0046-M to participate in the Expedited Payment Program (Settlement Offer). The Settlement Offer included a Notice of Violation notifying the Permittee of seventy-eight (78) effluent limit violations of which seventy-seven (77) are subject to mandatory minimum penalties in the amount of \$231,000.

12. On October 22, 2009, the Regional Board Assistant Executive Officer issued the Permittee an Amended Exhibit "A" – Notice of Violation. The Amended Exhibit "A" included an additional ninety-eight (98) effluent limit violations for a total of one-hundred and seventy-five (175) violations subject to mandatory minimum penalties in the amount of \$525,000.
13. On June 30, 2010, the Permittee connected to the local sanitary sewer, which ceased discharges to the Santa Clara River. On July 8, 2010, the Permittee requested termination of their NPDES permit. On July 15, 2010, Regional Board staff notified the Permittee that, pursuant to the State Water Resources Control Board's Water Quality Enforcement Policy, all outstanding violations subject to mandatory minimum penalties should first be resolved prior to termination of their NPDES permit. Until the Regional Board terminates the Permittee's NPDES permit, all conditions, requirements and provisions contained in the NPDES permit remain in full force and effect.
14. On October 14, 2010, the Regional Board Executive Officer issued the Permittee Revised Settlement Offer No. R4-2008-0046-M. The Revised Settlement Offer included a Revised Notice of Violation notifying the Permittee of an additional ninety-seven (97) effluent limit violations for a total of two-hundred and seventy-two (272) violations subject to mandatory minimum penalties in the amount of \$816,000.
15. Any discharge containing pollutants violating the effluent limitations set in the waste discharge requirements is prohibited by CWC § 13376.
16. CWC § 13385(h) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each serious violation. Pursuant to CWC § 13385(h)(2) "a serious violation is defined as any waste discharge that violates the effluent limitations contained in the applicable waste discharge requirements for a Group II pollutant by 20 percent or more, or for a Group I pollutant by 40 percent or more. Appendix A of Part 123.45 of Title 40 of the Code of Federal Regulations specifies the Group I and II pollutants."
17. CWC § 13385(i) requires the Regional Board to assess a mandatory minimum penalty of three thousand dollars (\$3,000) for each violation whenever the permittee violates a waste discharge requirement effluent limitation in any period of six consecutive months, except that the requirement to assess the mandatory minimum penalty shall not be applicable to the first three violations within that time period.
18. The maximum amount of administrative civil liability assessable pursuant to CWC § 13385(c) is \$10,000 per day of violation plus \$10 times the number of gallons by which the volume discharged but not cleaned up exceeds 1,000 gallons.

YOU ARE HEREBY GIVEN NOTICE THAT:

19. The Executive Officer recommends that the Regional Board assess the Permittee a mandatory minimum penalty in the amount of \$816,000 for the violations cited in Exhibit "A". This Complaint only addresses administrative civil liability for violations that are specifically identified in Exhibit "A" as being subject to a mandatory minimum penalty. Refer to Exhibit "A" for the calculation of the amount of mandatory minimum penalty.

20. The Permittee may waive its right to a hearing and pay the recommended civil liability. Should the Permittee choose to waive its right to a hearing, an authorized agent must sign the waiver form attached to this Complaint and return it to the Regional Board by 5:00 pm on **January 18, 2011**. If the hearing is waived, a check in the amount of \$816,000 (payable to the State Water Pollution Cleanup and Abatement Account) must be received by the Regional Board by 5:00 pm on **January 18, 2011**.
21. If the Regional Board does not receive a waiver and full payment of the recommended penalty by **January 18, 2011**, the Complaint will be heard before the Regional Board or Regional Board Hearing Panel pursuant to California Water Code §§ 13228.14 and 13323. The Notice of Public Hearing contains that date, time, location, and specific procedures of the scheduled hearing of this matter.
22. If a hearing on this matter is held, the Regional Water Board will consider whether to affirm, reject, or modify (i.e. increase the proposed civil liability above the mandatory minimum) the proposed civil liability, or whether to refer the matter to the Attorney General for assessment of judicial civil liability.
23. There are no statutes of limitations that apply to administrative proceedings. The statutes of limitations that refer to "actions" and "special proceedings" and are contained in the California Code of Civil Procedure apply to judicial proceedings, not administrative proceeding. See *City of Oakland v. Public Employees' Retirement System* (2002) 95 Cal. App. 4th 29, 48; 3 Witkin, Cal. Procedure (4th ed. 1996) Actions, §405(2), p. 510.)
24. Notwithstanding the issuance of this Complaint, the Regional Board shall retain the authority to assess additional penalties for violations of the requirements of the Permittee's waste discharge requirements for which penalties have not yet been assessed or for violations that may subsequently occur.
25. This enforcement action is exempt from the provisions of the California Environmental Quality Act, California Public Resources Code § 21000 et seq., in accordance with California Code of Regulations, title 14, § 15321.
26. Regulations of the US Environmental Protection Agency require public notification of any proposed settlement of the civil liability occasioned by violation of the Clean Water Act including NPDES permit violations. Accordingly, interested persons will be given 30 days to comment on any proposed settlement of this Complaint.



Samuel Unger, P.E.
Executive Officer
Los Angeles Regional Water Quality Control Board

December 17, 2010

WAIVER FORM

FOR ADMINISTRATIVE CIVIL LIABILITY COMPLAINT NO. R4-2008-0046-M

By signing this waiver, I affirm and acknowledge the following:

I am duly authorized to represent the City of Santa Clarita (hereinafter "Permittee") in connection with Administrative Civil Liability Complaint No. R4-2008-0046-M (hereinafter the "Complaint"). I am informed that California Water Code section 13323, subdivision (b), states that, "a hearing before the regional board shall be conducted within 90 days after the party has been served [with the complaint]. The person who has been issued a complaint may waive the right to a hearing."

☐ *Check here if the Permittee waives the hearing requirement and will pay the recommended liability.)*

- a. I hereby waive any right the Permittee may have to a hearing before the Regional Water Board.
- b. I certify that the Permittee will remit payment for the civil liability imposed in the amount of **\$816,000** by check that references "ACL Complaint No. R4-2008-0046-M" made payable to the "*Cleanup and Abatement Account*". Payment must be received by the Regional Water Board by **January 18, 2011** or this matter will be placed on the Regional Board's agenda for a hearing as initially proposed in the Complaint.
- c. I understand the payment of the above amount constitutes a proposed settlement of the Complaint, and that any settlement will not become final until after the 30-day public notice and comment period expires. Should the Regional Water Board receive significant new information or comments from any source (excluding the Water Board's Prosecution Team) during this comment period, the Regional Water Board's Executive Officer may withdraw the complaint, return payment, and issue a new complaint. I understand that this proposed settlement is subject to approval by the Regional Water Board, and that the Regional Water Board may consider this proposed settlement in a public meeting or hearing. I also understand that approval of the settlement will result in the Permittee having waived the right to contest the allegations in the Complaint and the imposition of civil liability.
- d. I understand that payment of the above amount is not a substitute for compliance with applicable laws and that continuing violations of the type alleged in the Complaint may subject the Permittee to further enforcement, including additional civil liability.

(Print Name and Title)

(Signature)

(Date)

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
09/30/03	1	3 rd Quarter 2003	Daily Maximum	Chloride	270	250*	mg/L	1	8	Chronic	(i)(1)	\$0
12/09/03	2	4 th Quarter 2003	Daily Maximum	Chloride	387	250*	mg/L	1	55	Serious	(h)(1)	\$3,000
12/09/03	2	4 th Quarter 2003	Daily Maximum	Chloride	203	131*	lbs/day	1	55	Serious	(h)(1)	\$3,000
12/09/03	2	4 th Quarter 2003	Daily Maximum	Sulfate	160	100*	lbs/day	1	60	Serious	(h)(1)	\$3,000
12/09/03	2	4 th Quarter 2003	Daily Maximum	Sulfate	305	190*	mg/L	1	61	Serious	(h)(1)	\$3,000
01/29/04	1	1 st Quarter 2004	Daily Maximum	Chloride	277	250*	mg/L	1	11	Chronic	(i)(1)	\$3,000
02/23/04	1	1 st Quarter 2004	Daily Maximum	Chloride	269	250*	mg/L	1	8	Chronic	(i)(1)	\$3,000
03/10/04	1	1 st Quarter 2004	Daily Maximum	Chloride	278	250*	mg/L	1	11	Chronic	(i)(1)	\$3,000
04/15/04	1	2 nd Quarter 2004	Daily Maximum	Chloride	264	250*	mg/L	1	6	Chronic	(i)(1)	\$3,000
05/13/04	1	2 nd Quarter 2004	Daily Maximum	Chloride	282	250*	mg/L	1	13	Chronic	(i)(1)	\$3,000
07/01/04	1	3 rd Quarter 2004	Daily Maximum	Chloride	276	250*	mg/L	1	10	Chronic	(i)(1)	\$3,000
08/03/04	1	3 rd Quarter 2004	Daily Maximum	Chloride	260	250*	mg/L	1	4	Chronic	(i)(1)	\$3,000
09/07/04	1	3 rd Quarter 2004	Daily Maximum	Chloride	258	250*	mg/L	1	3	Chronic	(i)(1)	\$3,000
10/05/04	1	4 th Quarter 2004	Daily Maximum	Chloride	297	250*	mg/L	1	19	Chronic	(i)(1)	\$3,000
11/05/04	1	4 th Quarter 2004	Daily Maximum	Chloride	306	250*	mg/L	1	22	Chronic	(i)(1)	\$3,000
12/14/04	1	4 th Quarter 2004	Daily Maximum	Chloride	276	250*	mg/L	1	10	Chronic	(i)(1)	\$3,000
12/14/04	1	4 th Quarter 2004	Daily Maximum	Nitrate + Nitrite as N	8	5	mg/L	1	60	Serious	(h)(1)	\$3,000
02/25/05	1	1 st Quarter 2005	Daily Maximum	Chloride	293	250*	mg/L	1	17	Chronic	(i)(1)	\$3,000
03/29/05	1	1 st Quarter 2005	Daily Maximum	Chloride	309	250*	mg/L	1	24	Chronic	(i)(1)	\$3,000
04/27/05	1	2 nd Quarter 2005	Daily Maximum	Chloride	256	250*	mg/L	1	2	Chronic	(i)(1)	\$3,000
04/27/05	2	2 nd Quarter 2005	Daily Maximum	Nitrate + Nitrite as N	9.6	8.3**	lbs/day	1	16	Chronic	(i)(1)	\$3,000
04/27/05	2	2 nd Quarter 2005	Daily Maximum	Nitrate + Nitrite as N	14	12*	mg/L	1	17	Chronic	(i)(1)	\$3,000
05/25/05	1	2 nd Quarter 2005	Daily Maximum	Chloride	254	250*	mg/L	1	2	Chronic	(i)(1)	\$3,000
06/28/05	1	2 nd Quarter 2005	Daily Maximum	Nitrate + Nitrite as N	10	5	mg/L	1	100	Serious	(h)(1)	\$3,000
07/21/05	1	3 rd Quarter 2005	Daily Maximum	Chloride	267	250*	mg/L	1	7	Chronic	(i)(1)	\$3,000
07/21/05	2	3 rd Quarter 2005	Daily Maximum	Chloride	188	175**	lbs/day	1	7	Chronic	(i)(1)	\$3,000
07/21/05	2	3 rd Quarter 2005	Daily Maximum	Chloride	269	250*	mg/L	1	8	Chronic	(i)(1)	\$3,000
07/21/05	1	3 rd Quarter 2005	Daily Maximum	Sulfate	213	190*	mg/L	1	12	Chronic	(i)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
07/21/05	2	3 rd Quarter 2005	Daily Maximum	Sulfate	150	133**	lbs/day	1	13	Chronic	(i)(1)	\$3,000
07/21/05	2	3 rd Quarter 2005	Daily Maximum	Sulfate	215	190*	mg/L	1	13	Chronic	(i)(1)	\$3,000
08/15/05	1	3 rd Quarter 2005	Daily Maximum	Chloride	296	250*	mg/L	1	18	Chronic	(i)(1)	\$3,000
08/18/05	1	3 rd Quarter 2005	Daily Maximum	Sulfate	191	190*	mg/L	1	1	Chronic	(i)(1)	\$3,000
09/28/05	1	3 rd Quarter 2005	Daily Maximum	Chloride	290	250*	mg/L	1	16	Chronic	(i)(1)	\$3,000
10/20/05	2	4 th Quarter 2005	Daily Maximum	Nitrate + Nitrite as N	7.2	6.9**	lbs/day	1	4	Chronic	(i)(1)	\$3,000
10/20/05	2	4 th Quarter 2005	Daily Maximum	Nitrate + Nitrite as N	13	12*	mg/L	1	8	Chronic	(i)(1)	\$3,000
10/20/05	1	4 th Quarter 2005	Daily Maximum	Sulfate	218	190*	mg/L	1	15	Chronic	(i)(1)	\$3,000
10/20/05	1	4 th Quarter 2005	Daily Maximum	Chloride	295	250*	mg/L	1	18	Chronic	(i)(1)	\$3,000
11/28/05	1	4 th Quarter 2005	Daily Maximum	Chloride	273	250*	mg/L	1	9	Chronic	(i)(1)	\$3,000
12/21/05	2	4 th Quarter 2005	Daily Maximum	Nitrate + Nitrite as N	6.8	6.0*	lbs/day	1	13	Chronic	(i)(1)	\$3,000
12/21/05	2	4 th Quarter 2005	Daily Maximum	Nitrate + Nitrite as N	14	12*	mg/L	1	17	Chronic	(i)(1)	\$3,000
01/23/06	1	1 st Quarter 2006	Daily Maximum	Chloride	278	250*	mg/L	1	11	Chronic	(i)(1)	\$3,000
02/24/06	1	1 st Quarter 2006	Daily Maximum	Chloride	274	250*	mg/L	1	10	Chronic	(i)(1)	\$3,000
03/29/06	1	1 st Quarter 2006	Daily Maximum	Chloride	283	250*	mg/L	1	13	Chronic	(i)(1)	\$3,000
04/26/06	2	2 nd Quarter 2006	Daily Maximum	Sulfate	203	190*	mg/L	1	7	Chronic	(i)(1)	\$3,000
04/26/06	2	2 nd Quarter 2006	Daily Maximum	Chloride	279	250*	mg/L	1	12	Chronic	(i)(1)	\$3,000
04/26/06	1	2 nd Quarter 2006	Daily Maximum	Sulfate	261	190*	mg/L	1	37	Chronic	(i)(1)	\$3,000
04/26/06	1	2 nd Quarter 2006	Daily Maximum	Chloride	431	250*	mg/L	1	72	Serious	(h)(1)	\$3,000
05/19/06	1	2 nd Quarter 2006	Daily Maximum	Chloride	267	250*	mg/L	1	7	Chronic	(i)(1)	\$3,000
06/30/06	1	2 nd Quarter 2006	Daily Maximum	Chloride	278	250*	mg/L	1	11	Chronic	(i)(1)	\$3,000
07/28/06	1	3 rd Quarter 2006	Daily Maximum	Chloride	283	250*	mg/L	1	13	Chronic	(i)(1)	\$3,000
09/26/06	1	3 rd Quarter 2006	Daily Maximum	Chloride	281	250*	mg/L	1	12	Chronic	(i)(1)	\$3,000
10/24/06	1	4 th Quarter 2006	Daily Maximum	Chloride	306	250*	mg/L	1	22	Chronic	(i)(1)	\$3,000
12/27/06	1	4 th Quarter 2006	Daily Maximum	Chloride	295	250*	mg/L	1	18	Chronic	(i)(1)	\$3,000
01/26/07	1	1 st Quarter 2007	Daily Maximum	Chloride	298	250*	mg/L	1	19	Chronic	(i)(1)	\$3,000
02/23/07	1	1 st Quarter 2007	Daily Maximum	Chloride	301	250*	mg/L	1	20	Chronic	(i)(1)	\$3,000
02/23/07	1	1 st Quarter 2007	Daily Maximum	Mercury	0.43	0.14	ug/L	1	207	Serious	(h)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
02/23/07	1	1 st Quarter 2007	Monthly Average	Mercury	0.43	0.05	ug/L	1	760	Serious	(h)(1)	\$3,000
03/14/07	1	1 st Quarter 2007	Daily Maximum	Chloride	280	250*	mg/L	1	12	Chronic	(i)(1)	\$3,000
04/20/07	1	2 nd Quarter 2007	Daily Maximum	Chloride	288	250*	mg/L	1	15	Chronic	(i)(1)	\$3,000
05/18/07	1	2 nd Quarter 2007	Daily Maximum	Chloride	309	250*	mg/L	1	24	Chronic	(i)(1)	\$3,000
06/14/07	1	2 nd Quarter 2007	Daily Maximum	Chloride	305	250*	mg/L	1	22	Chronic	(i)(1)	\$3,000
09/27/07	1	3 rd Quarter 2007	Daily Maximum	Chloride	280	250*	mg/L	1	12	Chronic	(i)(1)	\$3,000
10/19/07	1	4 th Quarter 2007	Daily Maximum	Chloride	279	250*	mg/L	1	12	Chronic	(i)(1)	\$3,000
11/19/07	1	4 th Quarter 2007	Daily Maximum	Chloride	291	250*	mg/L	1	16	Chronic	(i)(1)	\$3,000
12/12/07	1	4 th Quarter 2007	Daily Maximum	Chloride	280	250*	mg/L	1	12	Chronic	(i)(1)	\$3,000
01/29/08	1	1 st Quarter 2008	Daily Maximum	Sulfate	201	190*	mg/L	1	6	Chronic	(i)(1)	\$3,000
01/29/08	1	1 st Quarter 2008	Daily Maximum	Chloride	284	250*	mg/L	1	14	Chronic	(i)(1)	\$3,000
01/29/08	1	1 st Quarter 2008	Instantaneous	pH	8.6	6.5-8.5	pH units	NA	NA	Chronic	(i)(1)	\$3,000
02/22/08	1	1 st Quarter 2008	Daily Maximum	Sulfate	196	190*	mg/L	1	3	Chronic	(i)(1)	\$3,000
02/22/08	1	1 st Quarter 2008	Daily Maximum	Chloride	285	250*	mg/L	1	14	Chronic	(i)(1)	\$3,000
03/21/08	1	1 st Quarter 2008	Daily Maximum	Chloride	265	250*	mg/L	1	6	Chronic	(i)(1)	\$3,000
04/18/08	2	2 nd Quarter 2008	Daily Maximum	Sulfate	196	190	mg/L	1	3	Chronic	(i)(1)	\$3,000
04/18/08	1	2 nd Quarter 2008	Daily Maximum	Sulfate	263	190*	mg/L	1	38	Chronic	(i)(1)	\$3,000
04/18/08	1	2 nd Quarter 2008	Daily Maximum	Chloride	404	250*	mg/L	1	62	Serious	(h)(1)	\$3,000
05/19/08	1	2 nd Quarter 2008	Daily Maximum	Sulfate	207	190*	mg/L	1	9	Chronic	(i)(1)	\$3,000
05/19/08	1	2 nd Quarter 2008	Daily Maximum	Chloride	317	250*	mg/L	1	27	Chronic	(i)(1)	\$3,000
06/23/08	1	2 nd Quarter 2008	Daily Maximum	Sulfate	194	150	mg/L	1	29	Chronic	(i)(1)	\$3,000
06/23/08	1	2 nd Quarter 2008	Daily Maximum	Chloride	311	100	mg/L	1	211	Serious	(h)(1)	\$3,000
07/25/08	2	3 rd Quarter 2008	Daily Maximum	TDS	876	800	mg/L	1	10	Chronic	(i)(1)	\$3,000
07/25/08	1	3 rd Quarter 2008	Daily Maximum	Sulfate	190	150	mg/L	1	27	Chronic	(i)(1)	\$3,000
07/25/08	2	3 rd Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	4.0	2.8	lbs/day	1	43	Serious	(h)(1)	\$3,000
07/25/08	1	3 rd Quarter 2008	Daily Maximum	TDS	1,264	800	mg/L	1	58	Serious	(h)(1)	\$3,000
07/25/08	2	3 rd Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	8	5	mg/L	1	60	Serious	(h)(1)	\$3,000
07/25/08	2	3 rd Quarter 2008	Daily Maximum	Chloride	93	56	lbs/day	1	66	Serious	(h)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
07/25/08	2	3 rd Quarter 2008	Daily Maximum	Chloride	188	100	mg/L	1	88	Serious	(h)(1)	\$3,000
07/25/08	1	3 rd Quarter 2008	Daily Maximum	Chloride	306	100	mg/L	1	206	Serious	(h)(1)	\$3,000
08/25/08	2	3 rd Quarter 2008	Daily Maximum	TDS	908	800	mg/L	1	14	Chronic	(i)(1)	\$3,000
08/25/08	2	3 rd Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	3.3	2.8	lbs/day	1	18	Chronic	(i)(1)	\$3,000
08/25/08	1	3 rd Quarter 2008	Daily Maximum	Sulfate	187	150	mg/L	1	25	Chronic	(i)(1)	\$3,000
08/25/08	2	3 rd Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	7	5	mg/L	1	40	Serious	(h)(1)	\$3,000
08/25/08	2	3 rd Quarter 2008	Daily Maximum	Chloride	83	56	lbs/day	1	48	Serious	(h)(1)	\$3,000
08/25/08	1	3 rd Quarter 2008	Daily Maximum	TDS	1,228	800	mg/L	1	54	Serious	(h)(1)	\$3,000
08/25/08	2	3 rd Quarter 2008	Daily Maximum	Chloride	175	100	mg/L	1	75	Serious	(h)(1)	\$3,000
08/25/08	1	3 rd Quarter 2008	Daily Maximum	Chloride	296	100	mg/L	1	196	Serious	(h)(1)	\$3,000
09/29/08	2	3 rd Quarter 2008	Daily Maximum	Sulfate	155	150	mg/L	1	3	Chronic	(i)(1)	\$3,000
09/29/08	2	3 rd Quarter 2008	Daily Maximum	TDS	964	800	mg/L	1	21	Chronic	(i)(1)	\$3,000
09/29/08	2	3 rd Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	3.6	2.8	lbs/day	1	29	Chronic	(i)(1)	\$3,000
09/29/08	1	3 rd Quarter 2008	Daily Maximum	Sulfate	197	150	mg/L	1	31	Chronic	(i)(1)	\$3,000
09/29/08	2	3 rd Quarter 2008	Daily Maximum	Chloride	86	56	lbs/day	1	54	Serious	(h)(1)	\$3,000
09/29/08	2	3 rd Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	8	5	mg/L	1	60	Serious	(h)(1)	\$3,000
09/29/08	1	3 rd Quarter 2008	Daily Maximum	TDS	1,316	800	mg/L	1	65	Serious	(h)(1)	\$3,000
09/29/08	2	3 rd Quarter 2008	Daily Maximum	Chloride	189	100	mg/L	1	89	Serious	(h)(1)	\$3,000
09/29/08	1	3 rd Quarter 2008	Daily Maximum	Chloride	307	100	mg/L	1	207	Serious	(h)(1)	\$3,000
10/31/08	2	4 th Quarter 2008	Daily Maximum	Sulfate	151	150	mg/L	1	1	Chronic	(i)(1)	\$3,000
10/31/08	2	4 th Quarter 2008	Daily Maximum	TDS	896	800	mg/L	1	12	Chronic	(i)(1)	\$3,000
10/31/08	1	4 th Quarter 2008	Daily Maximum	Sulfate	187	150	mg/L	1	25	Chronic	(i)(1)	\$3,000
10/31/08	2	4 th Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	3.7	2.8	lbs/day	1	32	Chronic	(i)(1)	\$3,000
10/31/08	1	4 th Quarter 2008	Daily Maximum	TDS	1,152	800	mg/L	1	44	Serious	(h)(1)	\$3,000
10/31/08	2	4 th Quarter 2008	Daily Maximum	Chloride	81	56	lbs/day	1	45	Serious	(h)(1)	\$3,000
10/31/08	2	4 th Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	8.6	5	mg/L	1	72	Serious	(h)(1)	\$3,000
10/31/08	2	4 th Quarter 2008	Daily Maximum	Chloride	189	100	mg/L	1	89	Serious	(h)(1)	\$3,000
10/31/08	1	4 th Quarter 2008	Daily Maximum	Chloride	302	100	mg/L	1	202	Serious	(h)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
11/26/08	2	4 th Quarter 2008	Daily Maximum	Sulfate	165	150	mg/L	1	10	Chronic	(i)(1)	\$3,000
11/26/08	2	4 th Quarter 2008	Daily Maximum	TDS	884	800	mg/L	1	11	Chronic	(i)(1)	\$3,000
11/26/08	1	4 th Quarter 2008	Daily Maximum	Sulfate	177	150	mg/L	1	18	Chronic	(i)(1)	\$3,000
11/26/08	1	4 th Quarter 2008	Daily Maximum	TDS	1,120	800	mg/L	1	40	Serious	(h)(1)	\$3,000
11/26/08	2	4 th Quarter 2008	Daily Maximum	Chloride	83	56	lbs/day	1	48	Serious	(h)(1)	\$3,000
11/26/08	2	4 th Quarter 2008	Daily Maximum	Chloride	195	100	mg/L	1	95	Serious	(h)(1)	\$3,000
11/26/08	1	4 th Quarter 2008	Daily Maximum	Chloride	294	100	mg/L	1	194	Serious	(h)(1)	\$3,000
12/17/08	2	4 th Quarter 2008	Daily Maximum	Sulfate	170	150	mg/L	1	13	Chronic	(i)(1)	\$3,000
12/17/08	2	4 th Quarter 2008	Daily Maximum	TDS	916	800	mg/L	1	15	Chronic	(i)(1)	\$3,000
12/17/08	2	4 th Quarter 2008	Daily Maximum	Nitrate + Nitrite as N	5.98	5	mg/L	1	20	Chronic	(i)(1)	\$3,000
12/17/08	1	4 th Quarter 2008	Daily Maximum	Sulfate	216	150	mg/L	1	44	Serious	(h)(1)	\$3,000
12/17/08	2	4 th Quarter 2008	Daily Maximum	Chloride	88	56	lbs/day	1	57	Serious	(h)(1)	\$3,000
12/17/08	1	4 th Quarter 2008	Daily Maximum	TDS	1,360	800	mg/L	1	70	Serious	(h)(1)	\$3,000
12/17/08	2	4 th Quarter 2008	Daily Maximum	Chloride	208	100	mg/L	1	108	Serious	(h)(1)	\$3,000
12/17/08	1	4 th Quarter 2008	Daily Maximum	Chloride	346	100	mg/L	1	246	Serious	(h)(1)	\$3,000
01/29/09	2	1 st Quarter 2009	Daily Maximum	TDS	844	800	mg/L	1	6	Chronic	(i)(1)	\$3,000
01/29/09	1	1 st Quarter 2009	Daily Maximum	Sulfate	191	150	mg/L	1	27	Chronic	(i)(1)	\$3,000
01/29/09	2	1 st Quarter 2009	Daily Maximum	Chloride	80	56	lbs/day	1	43	Serious	(h)(1)	\$3,000
01/29/09	2	1 st Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	4.0	2.8	lbs/day	1	43	Serious	(h)(1)	\$3,000
01/29/09	1	1 st Quarter 2009	Daily Maximum	TDS	1,236	800	mg/L	1	55	Serious	(h)(1)	\$3,000
01/29/09	2	1 st Quarter 2009	Daily Maximum	Chloride	191	100	mg/L	1	91	Serious	(h)(1)	\$3,000
01/29/09	2	1 st Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	9.56	5	mg/L	1	91	Serious	(h)(1)	\$3,000
01/29/09	1	1 st Quarter 2009	Daily Maximum	Chloride	298	100	mg/L	1	198	Serious	(h)(1)	\$3,000
02/24/09	2	1 st Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	2.88	2.8	lbs/day	1	3	Chronic	(i)(1)	\$3,000
02/24/09	2	1 st Quarter 2009	Daily Maximum	TDS	836	800	mg/L	1	5	Chronic	(i)(1)	\$3,000
02/24/09	1	1 st Quarter 2009	Daily Maximum	Sulfate	192	150	mg/L	1	28	Chronic	(i)(1)	\$3,000
02/24/09	2	1 st Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	6.55	5	mg/L	1	31	Chronic	(i)(1)	\$3,000
02/24/09	2	1 st Quarter 2009	Daily Maximum	Chloride	81	56	lbs/day	1	45	Serious	(h)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
02/24/09	1	1 st Quarter 2009	Daily Maximum	TDS	1,180	800	mg/L	1	48	Serious	(h)(1)	\$3,000
02/24/09	2	1 st Quarter 2009	Daily Maximum	Chloride	184	100	mg/L	1	84	Serious	(h)(1)	\$3,000
02/24/09	1	1 st Quarter 2009	Daily Maximum	Chloride	294	100	mg/L	1	194	Serious	(h)(1)	\$3,000
03/19/09	2	1 st Quarter 2009	Daily Maximum	TDS	928	800	mg/L	1	16	Chronic	(i)(1)	\$3,000
03/19/09	2	1 st Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	3.53	2.8	lbs/day	1	26	Chronic	(i)(1)	\$3,000
03/19/09	1	1 st Quarter 2009	Daily Maximum	Sulfate	197	150	mg/L	1	31	Chronic	(i)(1)	\$3,000
03/19/09	2	1 st Quarter 2009	Daily Maximum	Chloride	80	56	lbs/day	1	43	Serious	(h)(1)	\$3,000
03/19/09	1	1 st Quarter 2009	Daily Maximum	TDS	1,244	800	mg/L	1	56	Serious	(h)(1)	\$3,000
03/19/09	2	1 st Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	7.81	5	mg/L	1	56	Serious	(h)(1)	\$3,000
03/19/09	2	1 st Quarter 2009	Daily Maximum	Chloride	176	100	mg/L	1	76	Serious	(h)(1)	\$3,000
03/19/09	1	1 st Quarter 2009	Daily Maximum	Chloride	292	100	mg/L	1	192	Serious	(h)(1)	\$3,000
04/09/09	2	2 nd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	3.28	2.8	lbs/day	1	17	Chronic	(i)(1)	\$3,000
04/09/09	2	2 nd Quarter 2009	Daily Maximum	TDS	952	800	mg/L	1	19	Chronic	(i)(1)	\$3,000
04/09/09	1	2 nd Quarter 2009	Daily Maximum	TDS	1,124	800	mg/L	1	41	Serious	(h)(1)	\$3,000
04/09/09	2	2 nd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	7.33	5	mg/L	1	47	Serious	(h)(1)	\$3,000
04/09/09	1	2 nd Quarter 2009	Daily Maximum	Sulfate	232	150	mg/L	1	55	Chronic	(i)(1)	\$3,000
04/09/09	2	2 nd Quarter 2009	Daily Maximum	Chloride	88	56	lbs/day	1	57	Serious	(h)(1)	\$3,000
04/09/09	2	2 nd Quarter 2009	Daily Maximum	Chloride	196	100	mg/L	1	96	Serious	(h)(1)	\$3,000
04/09/09	1	2 nd Quarter 2009	Daily Maximum	Chloride	304	100	mg/L	1	204	Serious	(h)(1)	\$3,000
05/29/09	1	2 nd Quarter 2009	Daily Maximum	Sulfate	171	150	mg/L	1	14	Chronic	(i)(1)	\$3,000
05/29/09	2	2 nd Quarter 2009	Daily Maximum	TDS	936	800	mg/L	1	17	Chronic	(i)(1)	\$3,000
05/29/09	2	2 nd Quarter 2009	Daily Maximum	Sulfate	177	150	mg/L	1	18	Chronic	(i)(1)	\$3,000
05/29/09	2	2 nd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	3.80	2.8	lbs/day	1	36	Chronic	(i)(1)	\$3,000
05/29/09	1	2 nd Quarter 2009	Daily Maximum	TDS	1,156	800	mg/L	1	45	Serious	(h)(1)	\$3,000
05/29/09	2	2 nd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	8.79	5	mg/L	1	76	Serious	(h)(1)	\$3,000
05/29/09	2	2 nd Quarter 2009	Daily Maximum	Chloride	104	56	lbs/day	1	86	Serious	(h)(1)	\$3,000
05/29/09	2	2 nd Quarter 2009	Daily Maximum	Chloride	241	100	mg/L	1	141	Serious	(h)(1)	\$3,000
05/29/09	1	2 nd Quarter 2009	Daily Maximum	Chloride	279	100	mg/L	1	179	Serious	(h)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
06/26/09	2	2 nd Quarter 2009	Daily Maximum	TDS	934	800	mg/L	1	17	Chronic	(i)(1)	\$3,000
06/26/09	1	2 nd Quarter 2009	Daily Maximum	Sulfate	196	150	mg/L	1	31	Chronic	(i)(1)	\$3,000
06/26/09	2	2 nd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	3.73	2.8	lbs/day	1	33	Chronic	(i)(1)	\$3,000
06/26/09	2	2 nd Quarter 2009	Daily Maximum	Chloride	78	56	lbs/day	1	39	Chronic	(i)(1)	\$3,000
06/26/09	1	2 nd Quarter 2009	Daily Maximum	TDS	1,242	800	mg/L	1	55	Serious	(h)(1)	\$3,000
06/26/09	2	2 nd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	9.02	5	mg/L	1	80	Serious	(h)(1)	\$3,000
06/26/09	2	2 nd Quarter 2009	Daily Maximum	Chloride	189	100	mg/L	1	89	Serious	(h)(1)	\$3,000
06/26/09	1	2 nd Quarter 2009	Daily Maximum	Chloride	299	100	mg/L	1	199	Serious	(h)(1)	\$3,000
07/24/09	2	3 rd Quarter 2009	Daily Maximum	TDS	956	800	mg/L	1	20	Chronic	(i)(1)	\$3,000
07/24/09	1	3 rd Quarter 2009	Daily Maximum	Sulfate	192	150	mg/L	1	28	Chronic	(i)(1)	\$3,000
07/24/09	2	3 rd Quarter 2009	Daily Maximum	Chloride	83	56	lbs/day	1	48	Serious	(h)(1)	\$3,000
07/24/09	2	3 rd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	4.3	2.8	lbs/day	1	54	Serious	(h)(1)	\$3,000
07/24/09	1	3 rd Quarter 2009	Daily Maximum	TDS	1,248	800	mg/L	1	56	Serious	(h)(1)	\$3,000
07/24/09	2	3 rd Quarter 2009	Daily Maximum	Chloride	192	100	mg/L	1	92	Serious	(h)(1)	\$3,000
07/24/09	2	3 rd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	10	5	mg/L	1	100	Serious	(h)(1)	\$3,000
07/24/09	1	3 rd Quarter 2009	Daily Maximum	Chloride	304	100	mg/L	1	204	Serious	(h)(1)	\$3,000
08/21/09	2	3 rd Quarter 2009	Daily Maximum	Sulfate	155	150	mg/L	1	3	Chronic	(i)(1)	\$3,000
08/21/09	2	3 rd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	3.16	2.8	lbs/day	1	13	Chronic	(i)(1)	\$3,000
08/21/09	2	3 rd Quarter 2009	Daily Maximum	TDS	1,004	800	mg/L	1	26	Chronic	(i)(1)	\$3,000
08/21/09	2	3 rd Quarter 2009	Daily Maximum	Chloride	84	56	lbs/day	1	50	Serious	(h)(1)	\$3,000
08/21/09	2	3 rd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	7.74	5	mg/L	1	55	Serious	(h)(1)	\$3,000
08/21/09	1	3 rd Quarter 2009	Daily Maximum	Sulfate	248	150	mg/L	1	65	Serious	(h)(1)	\$3,000
08/21/09	1	3 rd Quarter 2009	Daily Maximum	TDS	1,368	800	mg/L	1	71	Serious	(h)(1)	\$3,000
08/21/09	2	3 rd Quarter 2009	Daily Maximum	Chloride	205	100	mg/L	1	105	Serious	(h)(1)	\$3,000
08/21/09	1	3 rd Quarter 2009	Daily Maximum	Chloride	353	100	mg/L	1	253	Serious	(h)(1)	\$3,000
09/08/09	2	3 rd Quarter 2009	Daily Maximum	TDS	900	800	mg/L	1	13	Chronic	(i)(1)	\$3,000
09/08/09	2	3 rd Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	6.4	5	mg/L	1	28	Chronic	(i)(1)	\$3,000
09/08/09	1	3 rd Quarter 2009	Daily Maximum	Sulfate	206	150	mg/L	1	37	Chronic	(i)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
09/08/09	2	3 rd Quarter 2009	Daily Maximum	Chloride	80	56	lbs/day	1	43	Serious	(h)(1)	\$3,000
09/08/09	1	3 rd Quarter 2009	Daily Maximum	TDS	1,272	800	mg/L	1	59	Serious	(h)(1)	\$3,000
09/08/09	2	3 rd Quarter 2009	Daily Maximum	Chloride	198	100	mg/L	1	98	Serious	(h)(1)	\$3,000
09/08/09	1	3 rd Quarter 2009	Daily Maximum	Chloride	330	100	mg/L	1	230	Serious	(h)(1)	\$3,000
10/16/09	2	4 th Quarter 2009	Daily Maximum	Sulfate	153	150	mg/L	1	2	Chronic	(i)(1)	\$3,000
10/16/09	2	4 th Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	2.92	2.8	lbs/day	1	4	Chronic	(i)(1)	\$3,000
10/16/09	2	4 th Quarter 2009	Daily Maximum	TDS	948	800	mg/L	1	19	Chronic	(i)(1)	\$3,000
10/16/09	2	4 th Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	6.85	5	mg/L	1	37	Chronic	(i)(1)	\$3,000
10/16/09	1	4 th Quarter 2009	Daily Maximum	Sulfate	233	150	mg/L	1	55	Serious	(h)(1)	\$3,000
10/16/09	1	4 th Quarter 2009	Daily Maximum	TDS	1,336	800	mg/L	1	67	Serious	(h)(1)	\$3,000
10/16/09	2	4 th Quarter 2009	Daily Maximum	Chloride	94	56	lbs/day	1	68	Serious	(h)(1)	\$3,000
10/16/09	2	4 th Quarter 2009	Daily Maximum	Chloride	221	100	mg/L	1	121	Serious	(h)(1)	\$3,000
10/16/09	1	4 th Quarter 2009	Daily Maximum	Chloride	391	100	mg/L	1	291	Serious	(h)(1)	\$3,000
11/13/09	2	4 th Quarter 2009	Daily Maximum	TDS	880	800	mg/L	1	10	Chronic	(i)(1)	\$3,000
11/13/09	1	4 th Quarter 2009	Daily Maximum	Sulfate	184	150	mg/L	1	23	Chronic	(i)(1)	\$3,000
11/13/09	1	4 th Quarter 2009	Daily Maximum	TDS	1,148	800	mg/L	1	44	Serious	(h)(1)	\$3,000
11/13/09	2	4 th Quarter 2009	Daily Maximum	Chloride	81	56	lbs/day	1	45	Serious	(h)(1)	\$3,000
11/13/09	2	4 th Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	4.68	2.8	lbs/day	1	67	Serious	(h)(1)	\$3,000
11/13/09	2	4 th Quarter 2009	Daily Maximum	Chloride	193	100	mg/L	1	93	Serious	(h)(1)	\$3,000
11/13/09	2	4 th Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	11.2	5	mg/L	1	124	Serious	(h)(1)	\$3,000
11/13/09	1	4 th Quarter 2009	Daily Maximum	Chloride	277	100	mg/L	1	177	Serious	(h)(1)	\$3,000
12/11/09	2	4 th Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	2.91	2.8	lbs/day	1	4	Chronic	(i)(1)	\$3,000
12/11/09	1	4 th Quarter 2009	Daily Maximum	Sulfate	174	150	mg/L	1	16	Chronic	(i)(1)	\$3,000
12/11/09	2	4 th Quarter 2009	Daily Maximum	TDS	968	800	mg/L	1	21	Chronic	(i)(1)	\$3,000
12/11/09	2	4 th Quarter 2009	Daily Maximum	Chloride	77	56	lbs/day	1	38	Chronic	(i)(1)	\$3,000
12/11/09	2	4 th Quarter 2009	Daily Maximum	Nitrate + Nitrite as N	7.22	5	mg/L	1	44	Serious	(h)(1)	\$3,000
12/11/09	1	4 th Quarter 2009	Daily Maximum	TDS	1,256	800	mg/L	1	57	Serious	(h)(1)	\$3,000
12/11/09	2	4 th Quarter 2009	Daily Maximum	Chloride	191	100	mg/L	1	91	Serious	(h)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
12/11/09	1	4 th Quarter 2009	Daily Maximum	Chloride	299	100	mg/L	1	199	Serious	(h)(1)	\$3,000
01/28/10	2	1 st Quarter 2010	Daily Maximum	Sulfate	163	150	mg/L	1	9	Chronic	(i)(1)	\$3,000
01/28/10	2	1 st Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	3.05	2.8	lbs/day	1	9	Chronic	(i)(1)	\$3,000
01/28/10	2	1 st Quarter 2010	Daily Maximum	TDS	940	800	mg/L	1	18	Chronic	(i)(1)	\$3,000
01/28/10	2	1 st Quarter 2010	Daily Maximum	Chloride	70	56	lbs/day	1	25	Chronic	(i)(1)	\$3,000
01/28/10	1	1 st Quarter 2010	Daily Maximum	Sulfate	232	150	mg/L	1	55	Serious	(h)(1)	\$3,000
01/28/10	1	1 st Quarter 2010	Daily Maximum	TDS	1,276	800	mg/L	1	60	Serious	(h)(1)	\$3,000
01/28/10	2	1 st Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	8.73	5	mg/L	1	75	Serious	(h)(1)	\$3,000
01/28/10	2	1 st Quarter 2010	Daily Maximum	Chloride	199	100	mg/L	1	99	Serious	(h)(1)	\$3,000
01/28/10	1	1 st Quarter 2010	Daily Maximum	Chloride	306	100	mg/L	1	206	Serious	(h)(1)	\$3,000
02/24/10	2	1 st Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	2.95	2.8	lbs/day	1	5	Chronic	(i)(1)	\$3,000
02/24/10	2	1 st Quarter 2010	Daily Maximum	TDS	904	800	mg/L	1	13	Chronic	(i)(1)	\$3,000
02/24/10	2	1 st Quarter 2010	Daily Maximum	Chloride	70	56	lbs/day	1	25	Chronic	(i)(1)	\$3,000
02/24/10	1	1 st Quarter 2010	Daily Maximum	Sulfate	198	150	mg/L	1	32	Chronic	(i)(1)	\$3,000
02/24/10	1	1 st Quarter 2010	Daily Maximum	TDS	1,352	800	mg/L	1	69	Serious	(h)(1)	\$3,000
02/24/10	2	1 st Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	8.49	5	mg/L	1	70	Serious	(h)(1)	\$3,000
02/24/10	2	1 st Quarter 2010	Daily Maximum	Chloride	201	100	mg/L	1	101	Serious	(h)(1)	\$3,000
02/24/10	1	1 st Quarter 2010	Daily Maximum	Chloride	279	100	mg/L	1	179	Serious	(h)(1)	\$3,000
03/25/10	2	1 st Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	3.14	2.8	lbs/day	1	12	Chronic	(i)(1)	\$3,000
03/25/10	2	1 st Quarter 2010	Daily Maximum	TDS	932	800	mg/L	1	17	Chronic	(i)(1)	\$3,000
03/25/10	2	1 st Quarter 2010	Daily Maximum	Chloride	71	56	lbs/day	1	27	Chronic	(i)(1)	\$3,000
03/25/10	1	1 st Quarter 2010	Daily Maximum	Sulfate	232	150	mg/L	1	55	Serious	(h)(1)	\$3,000
03/25/10	1	1 st Quarter 2010	Daily Maximum	TDS	1,280	800	mg/L	1	60	Serious	(h)(1)	\$3,000
03/25/10	2	1 st Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	8.5	5	mg/L	1	70	Serious	(h)(1)	\$3,000
03/25/10	2	1 st Quarter 2010	Daily Maximum	Chloride	192	100	mg/L	1	92	Serious	(h)(1)	\$3,000
03/25/10	1	1 st Quarter 2010	Daily Maximum	Chloride	327	100	mg/L	1	227	Serious	(h)(1)	\$3,000
04/16/10	2	2 nd Quarter 2010	Daily Maximum	TDS	816	800	mg/L	1	2	Chronic	(i)(1)	\$3,000
04/16/10	2	2 nd Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	3.35	2.8	lbs/day	1	20	Chronic	(i)(1)	\$3,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

EXHIBIT "A" - VIOLATION SUMMARY
Effluent Limit Violations

Date	Outfall	Monitoring Period	Violation Type	Parameter	Reported Value	Permit Limit	Units	Pollutant Category	% Exceeded	Serious/Chronic	Water Code Section 13385	Penalty
04/16/10	2	2 nd Quarter 2010	Daily Maximum	Sulfate	183	150	mg/L	1	22	Chronic	(i)(1)	\$3,000
04/16/10	1	2 nd Quarter 2010	Daily Maximum	TDS	1,268	800	mg/L	1	59	Serious	(h)(1)	\$3,000
04/16/10	2	2 nd Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	8.93	5	mg/L	1	79	Serious	(h)(1)	\$3,000
04/16/10	2	2 nd Quarter 2010	Daily Maximum	Chloride	102	56	lbs/day	1	82	Serious	(h)(1)	\$3,000
04/16/10	1	2 nd Quarter 2010	Daily Maximum	Sulfate	294	150	mg/L	1	96	Serious	(h)(1)	\$3,000
04/16/10	2	2 nd Quarter 2010	Daily Maximum	Chloride	273	100	mg/L	1	173	Serious	(h)(1)	\$3,000
04/16/10	1	2 nd Quarter 2010	Daily Maximum	Chloride	411	100	mg/L	1	311	Serious	(h)(1)	\$3,000
05/14/10	2	2 nd Quarter 2010	Daily Maximum	Sulfate	164	150	mg/L	1	9	Chronic	(i)(1)	\$3,000
05/14/10	2	2 nd Quarter 2010	Daily Maximum	Chloride	67	56	lbs/day	1	20	Chronic	(i)(1)	\$3,000
05/14/10	2	2 nd Quarter 2010	Daily Maximum	TDS	1,012	800	mg/L	1	27	Chronic	(i)(1)	\$3,000
05/14/10	2	2 nd Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	6.87	5	mg/L	1	37	Chronic	(i)(1)	\$3,000
05/14/10	1	2 nd Quarter 2010	Daily Maximum	Sulfate	221	150	mg/L	1	47	Serious	(h)(1)	\$3,000
05/14/10	1	2 nd Quarter 2010	Daily Maximum	TDS	1,304	800	mg/L	1	63	Serious	(h)(1)	\$3,000
05/14/10	2	2 nd Quarter 2010	Daily Maximum	Chloride	175	100	mg/L	1	75	Serious	(h)(1)	\$3,000
05/14/10	1	2 nd Quarter 2010	Daily Maximum	Chloride	268	100	mg/L	1	168	Serious	(h)(1)	\$3,000
06/25/10	2	2 nd Quarter 2010	Daily Maximum	Sulfate	160	150	mg/L	1	7	Chronic	(i)(1)	\$3,000
06/25/10	2	2 nd Quarter 2010	Daily Maximum	Chloride	68	56	lbs/day	1	21	Chronic	(i)(1)	\$3,000
06/25/10	2	2 nd Quarter 2010	Daily Maximum	TDS	988	800	mg/L	1	24	Chronic	(i)(1)	\$3,000
06/25/10	2	2 nd Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	3.57	2.8	lbs/day	1	28	Chronic	(i)(1)	\$3,000
06/25/10	2	2 nd Quarter 2010	Daily Maximum	Chloride	183	100	mg/L	1	83	Serious	(h)(1)	\$3,000
06/25/10	2	2 nd Quarter 2010	Daily Maximum	Nitrate + Nitrite as N	9.59	5	mg/L	1	92	Serious	(h)(1)	\$3,000
											Total	\$816,000

*Interim Limits contained in TSO No. R4-2003-0100

**Mass-based limits were recalculated because daily flow rate was greater than 63,000 gpd

**HEARING PANEL OF THE
CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
LOS ANGELES REGION**

320 W. 4th Street, Suite 200
Los Angeles, California 90013
(213) 576-6600

ACLC No. R4-2010-0046-M

NOTICE OF PUBLIC HEARING AND HEARING PROCEDURES

**TO CONSIDER AN ADMINISTRATIVE CIVIL LIABILITY COMPLAINT AND
PROPOSE RECOMMENDATIONS**

DISCHARGER

City of Santa Clarita

DISCHARGE LOCATION

Drainage Benefit Assessment
Areas 6 and 18
Santa Clarita, CA

RECEIVING WATER

Santa Clara River

Administrative Civil Liability Complaint ("ACLC") No. R4-2010-0046-M alleges that the City of Santa Clarita violated Order Nos. R4-2003-0099, R4-2007-0016, and TSO No. R4-2003-0100 by failing to comply with effluent limits during the 3rd Quarter 2003 through 2nd Quarter 2010 self-monitoring periods. Two hundred and seventy-three (273) violations of Order Nos. R4-2003-0099, R4-2007-0016, and TSO No. R4-2003-0100 were noted in the Permittee's self-monitoring reports, of which two hundred and seventy-two (272) are subject to mandatory minimum penalties. As stated in the ACLC, Regional Board staff, represented by the Regional Board Staff Prosecution Team (Prosecution Team), recommends that a penalty of \$816,000 be assessed against the City of Santa Clarita for this violation.

Pursuant to Water Code section 13228.14, a Hearing Panel consisting of three or more members of the California Regional Water Quality Control Board, Los Angeles Region ("Regional Board") will convene a hearing to hear evidence, determine facts, and to propose a recommendation to the Regional Board about resolution of the ACLC.

This notice sets forth procedures and outlines the process to be used at this hearing.

I. HEARING DATE AND LOCATION

Date: March 17, 2011
Time: 9:00 A.M.
Place: TBD

II. AVAILABILITY OF DOCUMENTS

The ACLC and other documents concerning the subject of the ACLC are available for inspection and copying between the hours of 8:00 a.m. and 5:00 p.m. at the following address:

California Regional Water Quality Control Board
Los Angeles Region
320 West 4th Street, Suite 200
Los Angeles, CA 90013

Arrangements for file review and/or obtaining copies of the documents may be made by contacting the Case Manager of the Prosecution Team (identified in section V below). Comments received, the Prosecution Team's proposed Hearing Panel Report and Order, and other subsequent relevant documents will be available as they are received or generated.

The entire file will become a part of the administrative record of this proceeding, irrespective of whether individual documents are specifically referenced during the hearing or contained in the Hearing Panel binder. However, the entire file might not be present at the hearing. Should any parties or interested persons desire that the Prosecution Team bring to the hearing any particular documents that are not included in the Hearing Panel binder, they must submit a written or electronic request to the Case Manager of the Prosecution Team (identified in section V below) so that it is received by **5:00 pm on February 25, 2011**. The request must identify the documents with enough specificity for the Prosecution Team to locate them. (Documents in the Hearing Panel binder will be present at the hearing.)

III. NATURE OF HEARING

This will be a formal adjudicative hearing pursuant to section 648 *et seq.* of Title 23 of the California Code of Regulations. Chapter 5 of the California Administrative Procedure Act (commencing with section 11500 of the Government Code) relating to formal adjudicative hearings does not apply to adjudicative hearings before the Regional Board, except as otherwise specified in the above-referenced regulations.

IV. PARTIES TO THE HEARING

The following are the parties to this proceeding:

1. City of Santa Clarita
2. Regional Board Staff Prosecution Team

All other persons who wish to participate in the hearing as a designated party shall request party status by submitting a written or electronic request to the Legal Advisor to the Hearing Panel identified in section VIII below so that it is received by **5:00 pm on January 31, 2011**. All requests for designation as a party shall include the name, phone number, and email address of the person

who is designated to receive notices about this proceeding. The request shall also include a statement explaining the reasons for their request (e.g., how the issues to be addressed in the hearing and the potential actions by the Regional Board affect the person), and a statement explaining why the parties designated above do not adequately represent the person's interest. The requesting party will be notified before the hearing whether the request is granted. All parties will be notified if other persons are so designated.

V. COMMUNICATIONS WITH THE PROSECUTION TEAM

The California Administrative Procedure Act requires the Regional Board to separate prosecutorial and adjudicative functions in matters that are prosecutorial in nature. A Prosecution Team, comprised of Regional Board enforcement and other staff, will serve as the complainant in the proceedings and is a designated party. The Case Manager over this matter, who will coordinate the efforts of the Prosecution Team, is Russ Colby, Staff Environmental Scientist. Mayumi Okamoto, Staff Counsel from the State Water Resources Control Board's Office of Enforcement and Jennifer Fordyce, Staff Counsel from the State Water Resources Control Board's Office of Chief Counsel will advise the Prosecution Team prior to and at the panel hearing. Neither Ms. Okamoto, Ms. Fordyce nor the members of the Prosecution Team will be advising the Regional Board in this matter or have engaged in any substantive conversations regarding the issues involved in this proceeding with any of the Board Members or the advisors to the hearing panel (identified below).

Any communication with the Prosecution Team prior to the hearing should be directed to the Case Manager:

Russ Colby
320 W. 4th Street, Suite 200
Los Angeles, CA 90013
(213) 620-6373
rcolby@waterboards.ca.gov

VI. PUBLIC COMMENTS AND SUBMITTAL OF EVIDENCE

A. Submittals By Parties.

Not later than January 26, 2011, the Prosecution Team will send the parties a preliminary Hearing Panel binder containing the most pertinent documents related to this proceeding and a PowerPoint presentation, which summarizes the evidence and testimony that the Prosecution Team will present and rely upon at the hearing.

The City of Santa Clarita is required to submit:

- 1) Any additional documents or evidence the Party wants the Hearing Panel to consider,
- 2) A summary of any legal and technical arguments and testimony the Party intends to present,

- 3) The name of each witness, if any, whom the Party intends to call at the hearing, and
- 4) A statement regarding how much time the Party needs to present the case

to the attention of the Case Manager of the Prosecution Team (as identified above) and other designated parties so that it is received by **5:00 pm on February 16, 2011**. All documentation listed above must be received by the deadline, or it may be excluded from consideration by the Hearing Panel. The Prosecution Team shall have the right to present additional evidence in rebuttal of matters submitted by any other party.

The Prosecution Team will send to the Hearing Panel and the parties a final Hearing Panel binder no later than March 7, 2011.

B. Submittals By Interested Persons.

Persons who are not designated as parties, above, that wish to comment upon or object to the proposed ACLC, or submit evidence for the Hearing Panel to consider, are invited to submit them in writing to the Prosecution Team (as identified above). To be evaluated and responded to by the Prosecution Team, included in the final Hearing Panel binder, and fully considered by the Hearing Panel in advance of the hearing, any such written materials must be received by **5:00 pm on January 18, 2011**. If possible, please submit written comments in Word format electronically to rcolby@waterboards.ca.gov. Interested persons should be aware the Regional Board is entitled to settle this matter without further notice, and therefore a timely submittal by this date may be the only opportunity to comment upon the subject of this ACLC. If the hearing proceeds as scheduled, the Hearing Panel will also receive oral comments from any person during the hearing (see below).

VII. HEARING PROCEDURES

Adjudicative proceedings before the Hearing Panel generally will be conducted in the following order:

- Opening statement by Hearing Panel Chair
- Administration of oath to persons who intend to testify
- Prosecution Team presentation
- Discharger presentation
- Designated parties' presentation (if applicable)
- Interested persons' comments
- Prosecution Team rebuttal
- Questions from Hearing Panel
- Deliberations (in open or closed session)
- Announcement of recommendation to the Regional Board

While this is a formal administrative proceeding, the Hearing Panel does not generally require the cross examination of witnesses, or other procedures not specified in this notice, that might typically be expected of parties in a courtroom.

Parties will be advised by the Hearing Panel after the receipt of public comments, but prior to the date of the hearing, of the amount of time each party will be allocated for presentations. That decision will be based upon the complexity and the number of issues under consideration, the extent to which the parties have coordinated, the number of parties and interested persons anticipated, and the time available for the hearing. The parties should contact the Case Manager by **5:00 pm on February 16, 2011** to state how much time they believe is necessary for their presentations (see Section VI.A above). It is the Regional Board's intent that reasonable requests be accommodated.

Interested persons are invited to attend the hearing and present oral comments. Interested persons may be limited to approximately five (5) minutes each, for their presentations, in the discretion of the Chair, depending on the number of persons wishing to be heard. Persons with similar concerns or opinions are encouraged to choose one representative to speak.

For accuracy of the record, all important testimony should be in writing, and delivered as set forth above. All written materials must be received by the deadlines identified in Section IV.A. and IV.B., above, or it may be excluded from consideration by the Hearing Panel. The Hearing Panel will include in the administrative record written transcriptions of oral testimony or comments made at the hearing.

VIII. COMMUNICATIONS WITH THE HEARING PANEL

A. *Ex Parte* Communications Prohibited.

As an adjudicative proceeding, Regional Board members and their advisors may not discuss the subject of this hearing with any person, except during the public hearing itself, except in the limited circumstances and manner described in this notice. **Any communications to the Regional Board, Hearing Panel, or Hearing Panel Advisors before the hearing must also be copied to the Prosecution Team and other Party(ies), as identified above.**

B. Hearing Panel Advisors.

The Hearing Panel will be advised before and during the hearing by Ken Harris, Assistant Executive Officer for the Regional Board and a Legal Advisor, Jeff Ogata, Staff Counsel for the Regional Board. Neither Mr. Harris nor Mr. Ogata have exercised any authority or discretion over the Prosecution Team, or advised them with respect to this matter.

C. Objections to manner of hearing and resolution of any other issues.

1. Parties or interested persons with procedural requests different from or outside of the scope of this notice should contact the Case Manager at any time, who will try to accommodate the requests. Agreements between a party and the Prosecution Team will generally be accepted by the Hearing Panel as stipulations.

2. Objections to (a) any procedure to be used or not used during this hearing, (b) any documents or other evidence submitted by the Prosecution Team, or (c) any other matter set forth in this notice, must be submitted in writing and received by the Legal Advisor to the Hearing Panel (identified below) by **5:00 pm on February 16, 2011**.

Jeff Ogata
State Water Resources Control Board
1001 I Street, 22nd Floor
Sacramento, CA 95814
(916) 341-5190
jogata@waterboards.ca.gov

Untimely objections will be deemed waived. Procedural objections about the matters contained in this notice will not be entertained at the hearing. Further, except as otherwise stipulated, any procedure not specified in this hearing notice will be deemed waived pursuant to section 648(d) of Title 23 of the California Code of Regulations, unless a timely objection is filed.

3. Any issues outside the scope of those described in section C.2, above, that cannot be resolved by stipulation shall be brought to the attention of the Legal Advisor to the Hearing Panel, as set forth in section C.2, by **5:00 pm on February 16, 2011** if possible, and if not possible, then at the earliest possible time with an explanation about why the issue could not have been raised sooner.

IX. QUESTIONS

If you have any questions about this notice, please contact as appropriate, the Case Manager of the Prosecution Team, or the Legal Advisor to the Hearing Panel as described above.

Date: December 17, 2010